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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/814,504	03/31/2004	Jewel Tracy	20031124-001	6464
7590 02/16/2006			EXAMINER	
Roger L. Belfay 829 Tuscarora Avenue Saint Paul, MN 55102			LANDRUM, EDWARD F	
			ART UNIT	PAPER NUMBER
			3724	

DATE MAILED: 02/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No.	Applicant(s)	
	10/814,504	TRACY, JEWEL	
	Examiner	Art Unit	
	Edward F. Landrum	3724	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 January 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) 3-5 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2, and 6-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Withdrawals

1. Applicant's withdrawal of claims 3-5 in the reply filed on 1/14/2006 is acknowledged.

Specification

2. The amendment filed 1/14/2006 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: Placing the covering material in a stacked configuration other than fan-fold; the cutting device facilitating removal of used segments of sanitary covering material. Claim 5 states a stacking area for perforated sheets but does not specify other stackable configurations. Claim 3 states the cutting device is used to sever the used sanitary covering material but that does not necessarily facilitate removal of the used segments.

Applicant is required to cancel the new matter in the reply to this Office Action.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Oats '513 (U.S Patent No. 4,926,513).

Regarding claim 1, Oats '513 teaches (see Figures 1-2) a frame (100), having four sides, for placement on a floor to define a sanitary area and help guide the sanitary covering material through the frame. Steiner further teaches the dispensing device (110 and 110') is above the frame (100) and attached outside of the sanitary area (see Figure 4).

Regarding claim 2, Oats '513 teaches (see Figures 1-2) a collection device above frame (100).

Regarding claim 6, Oats '513 teaches (see Figure 2) the use of a hand-operated roller (136) for the collection device.

Regarding claim 7, Oats '513 teaches (Col. 2, lines 29-38; also see Figure 3) the use of an electrically operated roller (130') in the collection device.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Oats '513 in view of Kapiloff '003 (U.S. Publication No. 2003/0116003).

Oats '513 teaches all of the elements of the current invention except the use of a sensor for the automatic removal of the sanitary covering material whenever the user vacates the sanitary area.

Kapiloff '003 teaches the use of a force sensor to activate a drive motor thereby dispensing flexible sanitary material (Paragraph 33).

It would have obvious to have modified Oats '513 to incorporate the teachings of Kapiloff '003 to create a device for the automatic dispensing of sanitary material. A force or weight sensor would detect the presence of a person on the sanitary covering material and could easily activate a motor to dispense new sanitary covering material once the force left.

Response to Arguments

7. Applicant's arguments filed 1/14/2006 have been fully considered but they are not persuasive.

Regarding Applicants first bullet on claim 1, Oats '513 teaches the frame (100) having four sides (the front, back, left and right sides; see Figure 2). The frame also guides the sanitary covering material by providing a guiding support for the sheet stack tensioning mechanism (122) and the sheet stack itself (150). Without the frame the sheet stack (150) would not be aligned with roller (110) and the tensioning mechanism would not work.

Regarding Applicant's second bullet on claim 1, the frame (100) solely comprises the support as shown in Figures 1 and 1A. The frame discussed does not include the wheels, headboard or any other part of the device that make a bed frame. Therefore, the dispensing device (110 and 110') is above the frame and outside of the sanitary area. The sanitary are includes the upper portion of mattress 160 above sheet 150' as shown in Figures 1 and 1A.

Regarding Applicant's first bullet on claim 8, Oates '513 does anticipate claim one, and it would be obvious to have modified Oates '513 with Kapiloff '003 because a force or weight sensor would detect the presence of a person on the sanitary covering material and could easily activate a motor to dispense new sanitary covering material once the force left thereby relieving the responsibility of someone needing to make sure that the covering material was replaced after every use.

Regarding Applicant's second bullet on claim 8, the claim only states that a sensor activates a roller to remove the used portion of sanitary material and does not disclose what type of sensor is used to detect when a user vacates a sanitary area, therefore the force sensor Kapiloff '003 could detect when a user vacates the area as discussed in the section 6.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Van Wagner (U.S Patent No. 1,891,629), Oats '600 (U.S Patent No. 3,641,600), and Steiner (U.S Patent No. 1,877,610) teach devices for dispensing sanitary material. Schuler (U.S Patent No. 6,105,481), and Welch et al (U.S Patent No. 5,894,978) teach cutting devices of flexible material. Cooper (U.S Patent No. 3,315,676) teaches perforated sanitary material. Schreck (U.S Patent No. 6,038,708) teaches a stacking area for sanitary covering material. LaRose (U.S Patent No 6,363,555) teaches motorized movable web material. Bailey (U.S Publication No. 2004/0084609), Abbas et al (U.S Patent No. 5,265,296), Formon et al (U.S Patent No. 6,742,689), Jahrling (U.S

Patent No. 6,161,814), and Kapiloff '620 (U.S Patent No. 6,892,620) teach sensor devices for use in sanitary applications.

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

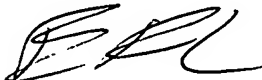
10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edward F. Landrum whose telephone number is 571-272-5567. The examiner can normally be reached on Monday-Friday 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan Shoap can be reached on 571-272-4514. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3724

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

EFL
2/9/2006



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